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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,351	02/28/2002	Takeshi Ozawa	1232-4831	4045
27123	7590	10/29/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HANNE, SARA M	
		ART UNIT	PAPER NUMBER	
		2179		

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,351	OZAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sara M Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The examiner would like to specifically point out a limitation in Claim 1, lines 4-5 stating: "means for determining objects each set with a function ...".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 10-14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Volk et al., US Patent 5687331.

As in Claims 1, 10 and 17, Volk et al. teaches an information processing apparatus, method, and computer storage medium with control program comprising

determination means for determining objects each set with a function from multimedia contents encoded by object-based coding (“an “object” refers to a software element comprising an associated set of function members and data members accessible through a set of predefined interface commands”, Column 10, lines 46-49), control means for controlling the objects determined by the determination means so that each of the object is to be selected in turn (Figure 5d, “tab mode”, Column 21, line 57 et seq.).

As in Claims 2, 11 and 18, Volk et al. teaches order setting means for setting a selection order of the objects determined by the determination means (Col. 2, line 51 et seq.), and wherein the control means sets objects as the object to be selected in turn in accordance with the set selection order (Col. 8 lines 20-27).

As in Claims 3 and 12, Volk et al. teaches the order setting means detects an order in which objects appear, an order in which objects are laid vertically (selection between control items 102, 103 and 104), or an order in which objects are laid out horizontally (control of modal control item 104), and sets the selection order on the basis detected order (change of focus).

As in Claim 4, Volk et al. teaches an instruction means for instructing one of the objects determined by the determination means as the object to be selected (Col. 20, lines 30-35).

As in Claim 5, Volk et al. teaches means for changing an instruction of the object to be selected by the instruction means in accordance with the selection order set by the order setting means (Fig. 9b and Fig. 11 with corresponding text).

As in Claims 6 and 13, Volk et al. teaches identifiably informing a user of the object instructed as the object to be selected by the instruction means ("highlighting" Col. 7, lines 18-20).

As in Claims 7 and 14, Volk et al. teaches a button for switching the object to be selected by one touch in accordance with the selection order (navigational arrow buttons, Col. 16, line 67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volk et al. US Patent 5687331, and further in view of Yokomizo, US Patent Application Publication 2002/0124263.

Volk et al. an information processing apparatus and method for determining an object set with a function from multimedia contents encoded by object-based coding and selecting each object in turn (see the rejection of Claims 1 and 10 *supra*).

As in Claims 8 and 15, while Volk et al. teaches the selection method of determined functions from multimedia contents encoded by object-based coding, they fail to show the object-based coding including MPEG-4 as recited in the claims. In the same field of the invention, Yokomizo teaches an information processing apparatus and method similar to that of Volk et al. In addition, Yokomizo further teaches the object-

based coding including MPEG-4 (Pg. 2-3, Par. 35). It would have been obvious to one of ordinary skill in the art, having the teachings of Volk et al. and Yokomizo before him at the time the invention was made, to modify the selection method of determined functions from multimedia contents encoded by object-based coding taught by Volk et al. to include the object-based coding including MPEG-4 of Yokomizo, in order to obtain the use of MPEG-4 concurrent menu function selection. One would have been motivated to make such a combination because use of the invention in a current day video implementation would have been obtained, as taught by Yokomizo.

As in Claims 9 and 16, while Volk et al. teaches the selection method of determined functions from multimedia contents encoded by object-based coding, they fail to show the BIFS data as recited in the claims. In the same field of the invention, Yokomizo teaches an information processing apparatus and method similar to that of Volk et al. In addition, Yokomizo further teaches the multimedia contents encoded by object-based coding include BIFS data and the determination means determines objects based on the BIFS data (Pg. 3, Par. 46). It would have been obvious to one of ordinary skill in the art, having the teachings of Volk et al. and Yokomizo before him at the time the invention was made, to modify the selection method of determined functions from multimedia contents encoded by object-based coding taught by Volk et al. to include the inclusion of BIFS data of Yokomizo, in order to obtain BIFS data implementation for menu display. One would have been motivated to make such a combination because scene implementation would have been obtained, as taught by Yokomizo.

***Conclusion***

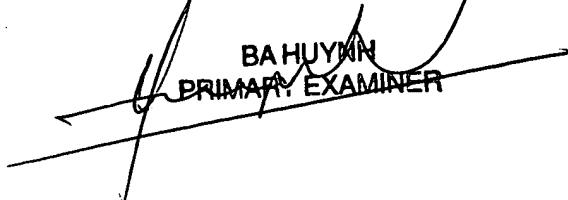
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar selection and control techniques for multimedia functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

  
BA HUYNH  
PRIMARY EXAMINER